

THE TRI-WEEKLY YEOMAN.

PRINTED AND PUBLISHED BY
S. I. M. MAJOR & CO.,
ST. CLAIR ST., OPPOSITE THE COURT HOUSE
TERMS.
One copy, per annum, in advance, \$4 00
SATURDAY, SEPTEMBER 24, 1859

LEXINGTON RACES.—The regular fall meeting over the Lexington Association Course commences on Monday next, and will continue throughout the week. The prospects for fine sport were never brighter. The trotting races will commence at the same time, and continue during the week. The running races take place at twelve o'clock, M., and the trots at three o'clock each day, so that they will not interfere with the one with the other. Those fond of turf sports will have a week of rare enjoyment.

LIVING WITHOUT FOOD.—A little daughter of Mr. H. A. Shaw, living in Eaton Rapids, Mich., aged six years, has refused food of any kind for over three weeks. The Argus says that the girl took it into her head that if she ate she would be sick, and since the 27th ult., has persistently refused everything in the shape of solid food. She comes to the table regularly with the rest of the family, drinks her tea or coffee, but declines all food with the expression: "It will make me sick." She does not fall away in flesh, is lively and full of play, but cannot be induced to take food of any kind, not even ripe fruit.

SEVERED THE FOOT RIGOR.—Five years since a farmer in Illinois, notwithstanding all his neighbors insisted he was playing the fool, set out on his farm one thousand peach-trees, and this season he was offered ten thousand dollars for the crop, which he afterward sold in the lot for fourteen thousand dollars. Any man that will be fool enough to raise fruit ought to be served just so.

MURDERED.—R. L. Burton, of Todd county, Ky., was found dead in the road near Elkton, the county seat of Todd, a few mornings since, with a pistol shot in the breast. His murderer has not been discovered.

Marion county, Tenn., is fearfully ravaged by hog cholera. The epidemic also prevails in Squatchie and Bledsoe counties, in that State, to a dreadful extent.

The Democrats of Tennessee propose a grand jubilee on Saturday, October 1st, in honor of the great victory in the August election.

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The Sons of Malta will have a midnight procession in New Albany, Ind., on Wednesday night.

COURT OF APPEALS.

THURSDAY, Sept. 22, 1859.
CAUSES DECIDED.
Moyer's adm'r v. Cline's adm'r, Shelby; affirmed.
Tipson v. Robertson's adm'r, Shelby; affirmed.
Henderson v. Berry's adm'r, Union; affirmed.
Wilkinson's heirs v. Wilkinson, McCracken Equity and Criminal Court; reversed.
Levi et al v. Mosler & Co., McCracken Equity and Criminal Court; reversed.
Battee v. Linn et al, Trigg; affirmed.
Lous & Co. v. Brasher et al, Crittenden; reversed.
ORDERS.
Jno. B. Earle, Esq., of Madisonville, admitted Attorney in this County; affirmed.
Boaz v. Nall, Fulton; petition for rehearing filed.
Irvine et al (of color) v. Boggs, Madison; same order.
Gaines v. Gordon, Shelby; cross appeal granted.
Wilson's ex'r v. Shaffer's adm'r, Union; affirmed.
Johnson v. Dial, Union; affirmed.
Matthews v. Berry's adm'r, Union; affirmed.
Lockett v. Greenwald's adm'r, Union; affirmed.
Warthen v. Wingate et ux, Union; affirmed.
Kent's adm'r v. Malone, Trigg; affirmed.
Brewer v. McConnell, Trigg; affirmed.
Mosely's adm'r v. Mosely, Shelby; argued by Lindsey and Bullock for appellees.
Allard v. Smith, McCracken; argument concluded by Harlan for appellee, and L. D. Husband for appellant.

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Neal vs. Wilson, &c., Shelby; reversed.
Pell vs. Cole, McCracken Equity and Criminal Court; affirmed.
Lockett vs. Greenwald's adm'r, Union Equity and Criminal Court; affirmed.
News vs. Berry's adm'r, Union Equity and Criminal Court; affirmed.
ORDERS.
H. Clay K. ing, Esq., of Paducah, admitted Attorney in this County; affirmed.
Patterson & Co. opinion modified.
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DECISIONS OF THE COURT OF APPEALS OF KENTUCKY.

Reported expressly for the Yeoman by CHARLES F. CRADDOCK, Attorney-at-Law, Frankfort, Ky.

Sanders vs. Appeal from Shelby Circuit Court.
This action was brought by Sanders to recover the value of his interest in a slave which he alleged had been purchased in South Carolina by himself and A. H. Sanders, as partners, in 1855, and which they had sent to Kentucky by W. C. Sadler. He charges that W. C. Sadler had afterward combined with one Moyers for the purpose of cheating the plaintiff, and that they had sold the slave for the price of \$1,000, and had converted the proceeds to their own use.

The defendants answered, denying the material allegations of the petition, and set up the additional defense that the plaintiff is a free man of color of full negro blood, and that the slave sold for is of no kin whatever to the plaintiff.

The court below dismissed the petition, and the plaintiff appealed.

Judge Duvall delivered the opinion of the Court:

The 6th section of the chapter on slaves, free negroes, &c., Revised Statutes, (page 628), is as follows: "No free negro shall be capable of acquiring in fee, or holding or owning for any length of time, as heir or otherwise, any slave other than the husband, wife, parent, or descendant of such free negro."

The effect of this comprehensive statute is to deny to the class of persons to which the appellant belongs the right to hold or own any conceivable interest in a slave, not embraced by the exceptions mentioned.

It is true, as suggested in argument, that the slave is alleged to have been bought in South Carolina, and that it is not alleged or shown that the plaintiff could not legally acquire there a title to the slave by purchase.

But this is wholly immaterial. The plaintiff here is seeking to enforce a right, or to recover for the violation of a right, which is expressly withheld from him by law.

And whatever may have been his legal capacity to acquire in South Carolina his alleged interest in the slave, it is quite certain that he is incapable of holding or owning such interest in Kentucky, and of course can have no right to recover for the alleged conversion.

The judgment is affirmed.

Matthews vs. Judgment of Union.
Jones' adm'r.

In 1854 suit was brought by Matthews against Isaac Jones. After the action had been pending for some time, and after various steps had been taken in it, at the February term, 1857, the death of Jones, the defendant, was suggested, and the cause continued.

At the next August term an order was made to the effect that Martin M. Berry, the administrator of the estate of Isaac Jones, deceased, appear at the calling of the cause at the next term, and show cause why the suit should not be renewed and prosecuted against him.

Berry appeared at the next term and filed an affidavit and answer, and moved the court for a rule requiring the plaintiff to verify by his oath the claim and facts.

The plaintiff objected to the rule, but it was granted, and the plaintiff in open court refused to make the oath required by the rule, and thereupon his suit was dismissed by the court without prejudice, and he appealed to this court.

The question presented upon the appeal is: Was the action of the circuit court erroneous in requiring the plaintiff to verify by his oath the claim and facts?

The answer to this question is: Yes, it was erroneous. The statute requiring demands against the estates of decedents to be verified by the affidavits of the claimants, are not applicable to claims upon which actions may have been commenced in the lifetime of the decedent.

Is there any such limitation upon the operation and effect of these laws? Does the bare fact that a party has brought suit upon his demand in the lifetime of one who dies subsequently and before judgment, relieve him from the necessity of making the affidavit which is required of other claimants?

A negative answer must, in our opinion, be given to these questions.

The terms used in the law designating the claims or demands to which it was intended to be applied are certainly broad enough to embrace a claim like this.

Section 35, article 2, chapter 37, page 340, Revised Statutes, provides and requires that "all demands against the estate of a decedent shall be verified by the written affidavit of the claimant, &c., &c., stating that the demand is just," &c., &c.

The words "all demands" are surely sufficiently comprehensive to include a demand upon which an action may have been brought, but no recovery had in the lifetime of a decedent.

By the next succeeding section of the same article it is enacted, that "no recovery shall be had of any such demand—*id est*, demand against the estate of a decedent—until such affidavit be made and filed in court."

This provision is very imperative, as well as exceedingly comprehensive: "No recovery shall be had of any such demand until such affidavit be made and filed in court."

Although suit may have been brought, yet if no process to judgment before the death of the decedent, "no recovery" shall be had until the affidavit be made and filed in court.

The 38th section provides that in a proceeding to enforce a claim against the estate of a decedent, his personal representative shall have the right to compel the attendance of the claimant, the original obligee, or intermediate assignee, and interrogate any of them touching the usury embraced in the claim, &c., &c.

By the 39th section it is provided that no personal representative shall pay, or be adjudged to pay, any more of any demand against the decedent's estate than what remains due of the same after the usury embraced therein, and the payments made thereon, and the offsets and discounts against the same, are deducted.

These provisions manifestly apply to all demands, whether an action has been brought upon them or not before the death of the person alleged to be a debtor. There is no intimation in the Statute, and we perceive no reason to believe that the Legislature intended a demand to be relieved from the operation of the Statute when an action had been commenced thereon during the life of the decedent.

Nothing in the Civil Code is to be construed as dispensing with the affidavit required in sections 35 and 36, article 2, chapter 37, Revised Statutes, but said sections remain in force, as well as section 38 of the same article, and all are alike applicable to all actions or proceedings to enforce a claim against the estate of a decedent person. (See section 473, Civil Code.)

By the express terms of this section of the Civil Code, the sections of the Revised Statutes upon which we have been commenting, if they were not so before, (and we think they were,) are made applicable to all actions and proceedings (no matter when commenced or how prosecuted) to enforce a claim against the estate of a decedent person.

We are unable to perceive any sound reason why a claimant, who has commenced his action, but has not received judgment before the death of his debtor, shall not be compelled to verify his demand and purge his conscience in reference thereto, as well as one who has not brought his suit. Nothing in reference to the demand has been ascertained by the judgment of a court; all remains to be litigated; and, in our opinion, the personal representative should not be adjudged, in such case, to pay the demand until the affidavit required has been made and filed in court, and then only so much as remains due after the deduction of usury, payments, offsets, and discounts.

These enactments were intended to remedy a grievous evil, supposed at least to be prevalent in our State. Certainly the purpose of the statute was a most beneficial one. And this court feels constrained to give such a construction to the provisions of the statute, as will give full and complete effect to the benign and wholesome intentions of those who composed the law-making department of our government.

It being the opinion of this court that there was no error in dismissing the plaintiff's action, because of his failure and refusal to comply with the rule aforesaid, the judgment of the Circuit court is affirmed.

The Potato Disease in Ireland.
The Cork papers state that the blight in its oldest and worst form has attacked the potato crop in that quarter. The fact of its actual appearance there has been several times noticed in the local journals, but the tale is now told with more circumstantiality than usual, and is no longer set down as a flying rumor.

The Examiner says: "We regret to say that, so far as has come under our observation, in the rural districts around the city, potato disease is becoming very general. In one instance that has come to our knowledge a splendid field of fifteen acres, excellent land and highly cultivated, the crop on which was at one time expected to realize £500, is now become absolutely worthless. In many cases half and even two-thirds of the crops have been lost. An esteemed correspondent informs us that the blight has set in with deadly virulence along the coast from Kinsale to Clonakilty."

The Dublin Evening Post, in noticing the harvest operations, says: "Here potatoes are excellent—quite equal to the quality before the blight—and the produce is large, although a considerable portion are small."

PHOENIX HOTEL SOLD.—We were informed yesterday that Harrison, Thompson & Brother, of Georgetown, Ky., purchased the Phoenix Hotel and the furniture of its present proprietor. Possession to be given about the 1st of April, 1860. The price paid was \$40,000.—Lex. Statesman.

METCALFE'S REPORTS.—The first volume of Metcalfe's Reports of decisions of the Court of Appeals of Kentucky is bound and ready for delivery, and may be had of the Reporter or at either of the book stores in Frankfort. Price \$5 per volume. Persons wishing a volume sent by mail may remit the price and it will be forwarded postage paid. an23 tf

MARRIED.
On Thursday, September 1st, at the residence of the bride's father, S. J. Jones, by Elder S. T. Tarr, Mr. FINE S. RITCHIE, of Cumberland county, Ky., to Miss BETTIE BARLOW, of Barren county, Ky.

In Hart county, at the residence of Mr. James J. Green, on Tuesday, the 30th inst., by Rev. E. B. Crane, Mr. J. H. GREENWOOD, of Barren county, to Miss NANCY DEAN, of Hart.

On the 20th instant, by Rev. W. Holman, Mr. AMOS M. JENKINS to Miss LAURA E. POTTER, both of Louisville.

On the 18th inst., by Elder J. R. Rogers, Mr. JOS. VAN PELT, of Lexington, to Miss SARAH ANN RECKER, of Fayette county.

On Tuesday, September 14th, 1859, by Elder J. W. Harding, Mr. GEORGE ROBERTSON, Esq., to Mrs. ALEX. DA C. GRANT, both of Mt. Sterling, Ky.

DIED.
Tuesday evening, 7 o'clock, September 20th, 1859, MARY CRICKET, wife of D. Crickett, of this county, aged 44 years, 10 months, and 27 days.

She was born May 25th, 1816, married December 20th, 1835, was the mother of eight children, seven of whom are now living. Warned of the truth of that awful though sublime sentence, "all must die," she bore her last moments with a calmness and resignation that was a comfort to her friends and a lesson to her neighbors.

She had been a faithful member of the Presbyterian Church for many years. Conscious of the duties devolving upon her as a wife, mother, and friend, she discharged them with a devotedness prompted alone by motives of firmness and Christian love, striving to inculcate the important truth that the things of this world must fade away, and that their affections must be turned to that permanent state of existence beyond the grave. During the last years of her life, when disease was decaying her from the innocent pleasures of the world, time was to her but a season for celestial contemplation; and when the last bolt of calamity had been hurled upon her; when friends had departed ever again to walk the path of life by her side; when the eternal night of death was fast gathering over her earthly vision, her voice was most earnest in appealing to those most dear to her, to prepare the same torch which was lighting her through the valley of death, to those sweet mansions prepared for the redeemed.

"I earth afford a joy so dear,
Where parting oft are known,
What heights of glory shall appear
Forever near God's throne."

On the 11th instant, at Caseyville, Ky., E. B. JANNEY, aged 44 years, 10 months, and 27 days.

On the 4th inst., in Union county, Ky., after a short illness of congestive chills, MARY ELLA, aged 4 years, 11 months, and 11 days, daughter of George H. and Josephine W. Jones, formerly of Shelby county.

On the 8th inst., at the residence of her mother, near Mt. Sterling, Mrs. GARRIE BECKNER, wife of Mr. Asalet Beckner, and daughter of the late Col. John Williams, aged 19 years.

On Saturday last, the 17th inst., JACOB STRADER WOOLLEY, infant son of Charles W., and Mary F. Woolley, of Cincinnati, aged 53 months.

YOUNG GENTLEMEN
WANTING SOMETHING EXTRA IN THE WAY OF A
Handsome Cloth Cap or Dress Hat,
will do well to call and see those at
SAM. C. BULL'S,
Hat and Bookstore, St. Clair Street.
sep24 wdt-wlm

New Orleans Style
Of fashionable Silk Hats just received by
KEENON & CRUTCHER.
sep22 wdt-wlm

ALL the styles for Fall and Winter, 1859, now ready at the Store of
KEENON & CRUTCHER.
sep22 wdt-wlm

Millinery at Cost.
MRS. STOUTHOFF informs the public, and especially the ladies, that she has received Mrs. M. Harrenson's stock of Millinery, and will sell the same at cost. Store at Mrs. Harrenson's old stand, on St. Clair street.
sep20 wdt-wlf

Door-Keeper of the House.

We are requested to announce ANDERSON GRAY, of Grayson county, as a candidate for Door-keeper to the next House of Representatives.
sep22 wdt-wlf

Sergeant-at-Arms of the Senate.

We are requested to announce ALEXANDER BURNS, of Franklin county, as a candidate for Sergeant-at-Arms of the next State Senate.
sep20 wdt-wlf

Assistant Clerk of the House of Reps.
We are authorized to announce W. W. GRUELLE, of Harrison county, as a candidate for the office of Assistant Clerk of the next House of Representatives.
sep15 wdt-wlf

Door-Keeper of Senate.
We are authorized to announce ANTHONY CROCKETT, of Franklin county, as a candidate for Door-keeper of the State Senate.
sep15 wdt-wlf

Sergeant-at-Arms of the House.
We are requested to announce Wm. N. Roub, of Fayette county, as a candidate for re-election to the office of Sergeant-at-Arms to the next House of Representatives.
sep15 wdt-wlf

Clerk of the House.
We are authorized to announce CLINTON McCARTHY, of Owensboro, as a candidate for re-election to the office of Clerk of the House of Representatives of the Kentucky Legislature.
sep15 wdt-wlf

We are requested to announce V. B. CARTER, of Marion county, as a candidate for Door-keeper to the House of Representatives of the next Legislature.
sep15 wdt-wlf

We are requested to announce J. P. ORR, Jr., of Owen, as a candidate for Door-keeper to the next House of Representatives.
sep15 wdt-wlf

Assistant Clerk of the Senate.
We are authorized to announce MATTHEW HAMILTON, of Boone county, as a candidate for Assistant Clerk of the State Senate.
sep15 wdt-wlf

SPECIAL NOTICES.
New Goods!
R. RUNYAN,
(At Baker & Runyan's Old Stand, St. Clair St.)
Is now opening the largest and handsomest stock of Dry Goods, &c., right from the East, that he has ever imported. He will sell them at the lowest possible rate. FOR CASH DOWN, and will make it to the great advantage of all to buy of him. Give him a call; Runyan is all right.
sep1 wdt-wlf

Metcalfe's "Kentucky Reports," Vol. 1.
Just ready and for sale by KEENON & CRUTCHER, booksellers, Frankfort, Ky. Price \$5.
Persons at a distance, including the price, will have the work forwarded to them by mail, postage paid.
an23 wdt-wlf

NEW MUSIC HOUSE!
WM. MCARELL,
MUSIC PUBLISHER
AND DEALER IN
PIANOS, MELODEONS
BOUND AND SHEET MUSIC,
Musical Instruments and Musical Merchandise Generally.
No. 474 JEFFERSON STREET,
NORTH SIDE, BETWEEN THIRD AND FOURTH,
LOUISVILLE, KY.

HAVING JUST OPENED A NEW MUSIC HOUSE in this city, I beg leave to call the attention of my friends and the public generally to my stock, which is ENTIRELY NEW, and has been selected with great care. It shall be my aim to keep constantly on hand, and to sell at the lowest prices, every article of the kind that is in demand.

The very Best and Latest Publications, and a fine assortment of SUPERIOR PIANOS, MELODEONS, GUITARS, VIOLINS, STRINGS, &c., &c.

Printed Catalogues forwarded on application, and the public generally to my stock, which is ENTIRELY NEW, and has been selected with great care. It shall be my aim to keep constantly on hand, and to sell at the lowest prices, every article of the kind that is in demand.

Those in want of new and good Music or Instruments will do well to give me a call, as I am determined to sell on the best terms.

WM. MCARELL,
474 Jefferson street.

N. B. The friends and acquaintances of Mr. J. O. H. McCANN will always find him at 474 Jefferson street, where he will be happy to fill their orders.
sep22 wdt-wlf

REMOVAL.
THE firm of Sprague & Co., Cincinnati, have opened in their new iron front Store, south-east corner of Fourth and Vine sts., opposite the Post-office.

They have a magnificent stock of Goods for Men and Boys' wear, including all that appertains to a gentleman's wardrobe, either ready-made or to order, for Men and Boys.

Their stock of Piece Goods, for ordered work, is splendid. Their goods are marked at Cash Prices, and as low as Fine Goods can be sold. We have a stock of Fine Sole Leather Trunks, Railroad proof—best that can be made.

ALSO—New style Bags, for Traveling purposes, Traveling Rugs, Shawls, &c.

SPRAGUE & CO.,
Southeast Cor. 4th & Vine Sts.
sep22 wdt-wlm

TO MERCHANTS AND MILLINERS!!
CINCINNATI
SILK HOUSE.

W. P. DEVOU & ROCKWOOD,
No. 83 Pearl Street,
WHOLESALE DEALERS
IN
SILKS, RIBBONS,
BONNETS, FLOWERS,
Shawls, Cloaks,
DRESS TRIMMINGS,
HOOP SKIRTS, LACE EMBROIDERIES,
WHITE GOODS, GLOVES, &c.
IT GREAT INDUCEMENTS offered to CASH and SHORT-TIME BUYERS.
W. P. DEVOU & ROCKWOOD.
sep22 wdt-wlm

For New Orleans From Cairo.
The elegant and fast passenger steamer, JAMES MONTGOMERY, J. B. Archer, master, leaves Cairo positively, as above, on Saturday, 24th Sept., on arrival of cars.

The Montgomery is in finer order for passengers, this being her first trip this season. Passengers by the mail boat John Gault and other boats leaving Louisville up to Wednesday evening the 21st and following Friday night, will connect with the Montgomery at Cairo Saturday evening.

For freight or passage apply to
B. A. BUCHANAN,
No. 39 Wall street,
or MOOREHEAD & CO., Agents, Louisville.
sep13 t-wld

The "NASSAU Gold Pen."
PERSONS competent of judging will find this Pen the best in use. For sale at the Bookstore of
KEENON & CRUTCHER.
sep3 wdt-wlf

J. W. DEAN, Carrollton. H. B. CLIFFORD, Louisville

DEAN & CLIFFORD,
WHOLESALE PRODUCE
Forwarding & Commission Merchants
(Exclusive).
No. 38 Fourth (or Wall) Street, Louisville, Ky.
REFERENCES.—Brannin & Summers, Com. Mer., Louisville; A. D. Hunt & Co., Bankers, Louisville; Quicker, Lyons & Co., Bankers

THE TRI-WEEKLY YEOMAN.

[From the National Intelligencer.]

The Last Bullet.

AN INCIDENT OF COMMODORE STEWART'S ALGERINE EXPERIENCE.

The United States ship-of-war Constellation was anchored in the harbor of Algiers, whither she had proceeded under command of Commodore Preble, having on board, among other officers, Charles Stewart, then an acting Lieutenant.

It was the watch of young Stewart, and he was pacing to and fro upon the deck, about half an hour after sunset, when he saw a small boat, containing a single person, coming off from the Old Point, as the western part of the town is called, and heading directly for the ship.

This person was rowing with all his might, and Stewart was not long in discovering the cause. Close behind the single boatman was seen a large rover, filled with men, whose presence was announced by a continued firing at the person of whom they were in such determined pursuit, holding on their way until they were under the very guns of the ship.

"Now, by my soul!" cried Stewart, "may I be shot if I don't teach those fellows a lesson. Stand by, Mr. Rogers," he added, addressing a favorite gunner, "to throw a little grape at that fellow."

An instant later, a wreath of smoke curled up from the side of the ship, and as the report went booming over the water the iron messenger sped on its way, crashing into the pursuing boat, severely wounding two or three of her crew. She instantly turned to port back at the same time that the fugitive reached his destination, and came up the side into the presence of the officer of the deck. He was an elderly man, with a stout frame and brown features; but it required but a single glance from the Lieutenant to see that he was English or American. As soon as he was sufficiently recovered from his over-exertion to breathe, he went on to tell his story, to which Stewart listened with much excitement.

The new comer was an American citizen, named James Collins, a native of New York, who, with his wife and daughter, had been taken from an American vessel at the same time as its commander and crew, two years before, by an Algerine pirate. His wife had since died, and he and his daughter had endured since his capture all the horrors of a hopeless and aggravated captivity; but the worst part of the poor man's story, and that which moved Lieutenant Stewart the most, was the announcement that his daughter, a gentle and beautiful girl, was on the eve of being forced into a detestable union with the very wretch who had brought her and her father as slaves.

"My agony at these circumstances culminated at two hours ago," finished the father, "when I struck the persecutor insensible to my feet and fled. By dint of exertion, I managed to reach the water side, and embarked before the pursuers could prevent it. But though I have succeeded in reaching this place of safety, my poor Alice is still in the power of her tormentor, exposed to his vengeance, and I am almost crazy at thinking that she may even now be subjected to a fate worse than death. If I could only guide a boat's crew under your orders!"

"One moment," interrupted Stewart, "stay where you are until I have seen Commodore Preble."

One moment the young Lieutenant was engaged with his commander in the cabin, and then he came forth, with a stern smile of satisfaction on his features. Ten minutes more had not passed before a cutter with twelve chosen men pushed off in the darkness, with the Lieutenant and the stranger in the stern, and rapidly struck out for the shore.

"Our owner," said Mr. Collins, "resides in the western part of the city. There is a guard established, but I do not apprehend that we shall have any special trouble from that source. I think we can land boldly, go up the street to the house, and carry off my child, and all without losing a man."

The boat landed, after twenty minutes of rapid progress, at a small wharf near the Geleta, in the western part of the town. The arrival was certainly observed, but not a great deal of attention was bestowed upon it by the stupid Algerines. Leaving a part of his men in the cutter with orders to lie down under the wharf, Lieut. Stewart and the remainder of his force followed the footsteps of Mr. Collins, who led the way rapidly up the intervening streets.

On arriving at his late prison, an old, dingy looking structure, extremely spacious, having all the looseness of the Moorish style, the party discovered that silence and darkness were the principal features of the scene. Not a sound was heard nor a word uttered. The whole building seemed deserted. The agony of the father was extreme.

"Oh my child! my child!" he cried, no longer able to control the terrible emotions which had been surging through his soul during the last hour, "shall I never see thee more?"

A Moorish slave came around from the rear of the building, and assured his fellow-captive that the girl had been carried off by the master, and that no one was at home save himself. But even as the lying rascal uttered the concluding words, a wild shriek was heard in the chamber, and the next moment a young and beautiful girl of seventeen summers appeared at one of the front windows, looking like a spectre in her garments of spotless white.

"My child, my Alice!" exclaimed Mr. Collins. "Save me, father!" was the response; and while shouts and groans proceeded from the interior of the building, the maiden threw herself from the low window, falling into the very arms of her father and Lieutenant Stewart.

The very moment of this reunion was destined to be that in which a company of Algerine troops came round the nearest corner, marching up the street in the direction of Lieut. Stewart and his men. It was also at the same moment that the old Moor, who had so long considered himself the proprietor of the window and set up a startling yell.

"This way!" cried Mr. Collins, and he dashed upon the front door of the building, and conducted the entire party within. "Look to your weapons, and take the rascals off their pins the instant they halt!" said Stewart.

A sharp and determined struggle soon commenced, in the course of which half the Moorish soldiers were killed, and the remainder finally gave way. But the rescuers had expended all their ammunition, and only a single bullet was remaining; that was in a large horse pistol, in the hands of Lieutenant Stewart. He was just wondering what he should do with it, when the old Moor came down stairs with a huge sabre in his grasp, and made a furious dash at Mr. Collins and his daughter, with murder written on his features and flashing from his eyes. This sudden arrival decided the destination of the last bullet.

"Take it, you black devil!" said Stewart, "as this blow was descending, and he fired his weapon, the ball passing through the mis-

creant's head, and bringing him dead to the floor.

"Now, my boys," added Lieutenant Stewart, "we are going to finish with a hand to hand fight. The powder and ball are out; we must trust to the sword."

Closely followed by his men, as well as by Collins and Alice, the Lieutenant led the way towards the boat. It seemed as if Algiers had turned out to witness the triumphal retreat of the Moorish soldiers, with thousands of people, collected together by the brief contest at the Moor's house, but not an attempt was made to intercept the progress of the party; the Algerines contenting themselves with scowls and denunciations. Ten minutes later and the rescuers were at the cutter; twenty minutes more and the entire party were safely back to the Constellation, not having lost a man. The young Lieutenant received the hearty thanks of his superior, to say nothing of the gratitude of Mr. Collins and his daughter, whose family proved to be of consequence in New York; and we are assured that Charles Stewart was never happier in his life than when Miss Alice was united to one of his "chums," a noble-hearted Lieutenant, now a Commodore, who fell in love with the rescued maiden during the Constellation's homeward passage.

"Benicia Boy" on the Bench.

Logansport, Indiana, is a pleasant little village somewhat distinguished by its distinguished men—particularly in the learned profession of the law. Among the younger Logans, ambitious of legal honors are two restive and vigilant rivals—one an uncommon Judge of the Common Pleas Court, the other an intermittent and slightly unprofessional practitioner therein with a large docket of very small cases. His Honor, the Judge, though without a warrior who has met many a militia squadron on the tented field of parade, is generally "disposed to be friendly," but between him and the attorney aforesaid, an "irrepressible conflict" has existed time immemorial. This interesting professional feud was brought to an "imminent deadly breach" a few days ago, in open court.

It seems that during the probate session, attorney D— presented an important and highly lucrative claim of nine dollars against an insolvent intestate's estate, with which he managed by judiciously spinning the "throat of his verbiage," to occupy the generous attention of the Court during the whole forenoon, and opened the afternoon with a peroration which indicated unlimited confidence in the wind of the orator, and the patience of the Judge. About this time, his honor, in view of the calibre of the advocate and his cause, deemed it advisable to enforce the legal maxim, "De minimis non curat lex," and called upon the eloquent attorney to "dry up," adding, by way of ornamental comment, the unnecessary remark that he had been "petting all day."

The irate Attorney uttered some profane truths. The Judge replied in Old Bailey's best, which provoked young Coke to the words and figures following, to-wit: "You—(meaning and intending thereby the learned Bench aforesaid)—are a—d—n—f—!" "Mr. Clerk," shouted His Honor, "fine him one thousand dollars, and let him stand committed till I knock him down. Mr. Sheriff, adjourn Court to the back yard fifteen minutes." "Oyez! Oyez! Oyez!" answered that functionary. The Judge descended to the prisoner, "Now, you scoundrel, if you are a s—t—er man than I am I will remit your fine—follow me. Mr. Sheriff, I will answer for his appearance." In less time than we can write, the back yard was in arms and hats running high; odds on the Bench.

1st round—Handsome legal sparring; Judge struck from the shoulder; Attorney put in an "ostoppel."

2d round—Judge goes in under the belt; umpire declares it a case under the Statute of Frauds; Attorney returns one on His Honor's ribs; Judge demurs, and taps some claret from the Attorney's prolixity.

3d, 4th, 5th and 6th rounds—The Bench makes out a clear case; the bottle is thrown up; Sheriff resumes his prisoner; Court is resumed; Judge "smiles" and takes his seat; business is conducted by Bar with great decorum, and His Honor listened with "distinguished consideration." Five to one on the Judge!

Seed Corn.

EDS. PRAIRIE FARMER: I solicit a little space in your columns, to address those farmers among your readers who have not already secured a supply of seed corn for the ensuing year.

On my way to this city, on Monday last, I observed, in certain places, between Belvidere and Elgin, for many consecutive miles, that, to all appearance, the severe frost of the 2d instant had so injured the fields of corn, as to render it unsafe to rely upon any part of the corn, then and there standing, for seed, for a future crop. But, in other places between the same points, I noticed that the corn on the more elevated ridges, was so little injured by the frosts, that, if it is rightly attended to, before a killing frost reaches it, good seed corn may be secured therefrom, in any desirable quantity.

After twenty-five years' experience and observation in this State, I can assure those without a perverse view, who will scrupulously abide the following directions, that they may have the whole of their seed corn grow, if put into the ground in the proper time and in the proper manner.

For the purpose of dispatch before another frost overtakes the corn, put that which has both the ear and the stalk yet green (although a portion of the leaf may have become dry from frost) into small stalks, say twenty-five or thirty-five hills in a stalk, and then cut from said stalks the best of the ears, leaving husks enough attached thereto to tie them up with. Then tie two or four ears in a bunch and hang them on a pole, in a dry airy place. Be very sure that you get them fully dry—cob and all, before it can be frozen, even if you employ artificial heat. You need have no fears to select an ear because there is yet milk in it; for, had you plucked the same weeks since, while it was yet but a good roasting ear, it would have been better still. It would then have been perfectly sure seed corn.

UNITED STATES FAIR GROUNDS, Chicago, Sept. 16, 1859.—Prairie Farmer.

SALES OF STOCK AT THE MAYSVILLE FAIR.—The last day of the exhibition of the North Kentucky Association at Maysville was devoted to the sales of stock, of all kinds, buggies, harness, etc. The attendance was not large, nor the bidding in the least spirited. Horses, however, we thought, brought fair prices, and ranged from \$75 to \$195 per head. There were quite a number left below the figures, yet they were not first-class stock. Thorough bred cattle were not sought after; and the few that were put up for sale, received no bids. Some few graded stock were sold at very low figures. The total number of horses sold was thirty-two, amounting to \$3,902. The total sales of cattle amounted to \$392.

Paris Play.

SPORTING.—We learn that a challenge from Memphis, Tenn., to Virginia, to fight a main of cocks for \$10,000 the odds, and \$240 the fight, has been accepted by a reliable gentleman in our city.—Richmond News.

Every pound of cochineal contains 70,000 insects, boiled to death. 700,000 pounds are annually used for scarlet and crimson dyes.

[From the London Shipping Gazette, Sept. 3.]

The Attack of the Moors on the Spaniards at Ceuta.—The Spaniards Fire on British Vessels.

The Madrid Journals of the 29th ult. say that General Prim, and not General Elague, is likely to be appointed to the command of the expedition about to be sent against the Moors. Several of the journals strongly recommend the government to take advantage of the present occasion, not only to give a severe lesson to the troublesome Moors of the coast, but to possess itself of a tract of Moorish territory in the vicinity of its fortresses; one of them even suggests the capture of the whole of Morocco, "the possession of which," it says, "would assure Spain a long future of glory and prosperity."

The latest advices from Gibraltar speak of an outbreak between the Moors and the Spanish garrison of Ceuta, on the African shore. Ceuta is some seventeen miles from Gibraltar, on the other side of the Strait, and has belonged to Spain for more than 200 years. The origin of the collision in question is said to be some dispute respecting a boundary, in which it would seem the Spaniards, by erecting breastworks outside the works of Ceuta, had trespassed upon the sacred soil of Morocco. However this may be, the Moors assailed the fortress on the 24th, and being successfully reinforced, fought for several hours with the garrison, one of them even claiming the capture of the whole of Morocco, "the possession of which," it says, "would assure Spain a long future of glory and prosperity."

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Arrival of the Arabia.

Boston, Sept. 22.—The Arabia has arrived here. The following additional news is furnished.

France.—The Monitor of the 9th publishes a long article explaining the reasons which caused the Emperor to conclude the peace. The following is a summary. The Emperor of Austria had promised to grant concessions on a large scale to Venice, but requiring as a condition, sine qua non, the return of the Archdukes. The Emperor Napoleon accepted these conditions. It is easy to conceive that if after the conclusion of peace the destinies of Italy had been entrusted to men who had more at heart the future of the common fatherland than little partial successes, the aim of their endeavors would have been to develop and not obstruct the consequences of the treaty of Villa Franca, and Venice would have been placed in the same position as Luxembourg with Holland.

The Archdukes will not be established by foreign forces, but that portion of the treaty at Villa Franca not having been carried out by Austria, she will herself freed from all engagements taken in favor of Venice. Instead of a policy of reconciliation and peace, defiance and hatred will be seen to reappear, which will entail fresh misfortunes.

Much, it would appear, is expected from the Congress, which we hail with all our best wishes; but we strongly doubt that the Congress will obtain better conditions for Italy.

It would not be right to ask from the Great Powers important concessions, without the offering equitable compensations. War would be the only way to resolve the difficulty, but Italy must be aware that one power alone makes war for an idea, and that is force, and France has accomplished her mission.

Independence asserts that France is making vigorous naval preparations for the coast defense.

Two additional prominent French exiles publish in the London Times their views of the late amnesty. Mr. E. Guinet declines to accept it; denying the right of the Emperor, either to promise or pardon him. Felix Hyatte determines, as a matter of policy, to accept the amnesty and return to France, where, he thinks, patriots may do more good than by remaining aloof.

It was reported in Paris that France had notified the Porte that she does not intend to treat the Suez canal affair as a political question.

A letter from Paris, published in the Independent Belge, says that the Emperor of France made peace merely for the purpose of putting a distance between the memory of England, and unless she submits quietly there must be war.

King Victor Emmanuel received the Tuscan delegation on the third inst. In reply to their address he thanked them for their expressed wish for annexation, but said its accomplishment could only take place by the negotiations which are about to begin, on the affairs of Italy. He would support the cause of Tuscany before the Powers, and would not refuse to practice towards Tuscany, that much of redressing grievances which it, under less favorable circumstances, practiced towards Greece, Belgium, and the Danubian principalities.

The vote in Parma on the annexation to Piedmont, resulted in its favor by 63,000 to 500 votes. The Paris Journals praise Victor Emmanuel's speech to the Tuscan delegation. They conclude that it is almost certain that a Congress will assemble.

The French Ambassador at Florence has been recalled.

A new Sardinian loan of \$5,000,000 was expected to be soon announced. The Paris correspondent of the Times says that much importance is attached to Metternich's mission to St. Saverio. One of its objects is said to be the formation of an alliance between France and Austria, the success of which is calculated to endanger Italian liberty and menace Europe.

It is asserted that the Papal troops continue to threaten the legations. From 8,000 to 9,000 troops, with 12 pieces of cannon, were assembled at Rome.

The Belgian Senate had adopted the first article in the bill providing for the Antwerp fortifications, by a vote of 34 against 15.

[From the Boston Evening Journal, Sept. 17.]

A Massachusetts Stockholder Sues His Agent.

About 12 o'clock to-day Dr. J. C. Ayer, (patentee of Ayer's Pills,) one of the largest stockholders in the Middlesex Mills corporation, called upon the office of the Treasurer of the Company, Richard S. Fay, jr., 13 Park street, and requested to be shown the books of the Corporation.

Mr. Fay complied with the request, when an altercation ensued between Mr. Ayer and Mr. Fay, which was succeeded by an assault upon the person of the Treasurer by Mr. Ayer, who drew a pocket-knife and stabbed Mr. Fay, inflicting a wound in the abdomen, just above the groin.

Capt. Perry, the agent of the Mills at Lowell, who chanced to be present, immediately interfered, and, seizing Dr. Ayer by the throat, drew him off. The police were called in, and took Dr. Ayer at once into custody.

The wounded man was removed to a carriage, and was conveyed to his residence, No. 18 Chestnut street, where he was attended by Doctors D. Humphreys Storer and H. J. Bigelow.

His physicians declined expressing any opinion as to the danger of the wound. Dr. Ayer was last year a director in the Middlesex company. At the last annual meeting of the corporation he made a bitter attack upon the treasurer, Mr. Fay, and the Board of Directors for appointing him to the office. The accusations of Dr. Ayer failed to call forth a reply from Mr. Fay, and on the ballot for directors for the current year Dr. Ayer failed of being elected.

Since writing the above we learn that Mr. Fay, who has entertained ill feelings toward Dr. Ayer ever since his willful attack upon him, acknowledges himself to have been the aggressor in the occurrence.

Dr. Ayer sat in high chair at the desk, perusing the transfer stock book, when Mr. Fay, according to the statements of Dr. Ayer, approached and struck the Doctor a severe blow with his fist on his forehead.

Dr. Ayer rose from his seat, whereupon Mr. Fay seized him by the hair of his head and attempted to drag him to the floor. Dr. Ayer, however, escaped, and fled to the street, where he was followed by Mr. Fay, who struck him another blow in the face.

Dr. Ayer had previously taken his penknife from his pocket, and before the book was handed him, stood cleaning his finger nails. While in a stooping position he tried to cut Mr. Fay's hand, but missed his mark. Words of mutual insult passed between the parties before Mr. Fay saw Dr. Ayer escape.

The Doctor is retained in custody at the Second Police Station.

New York Items.

New York, Sept. 22.—Professor George Bush, formerly of this city, died at Rochester on Monday, Sept. 16th, at the age of 63.

William J. Lane, the transfer and foreign note clerk of the Fulton Bank, was arrested on Tuesday on a charge of embezzling sixty thousand and four hundred and forty-two dollars and three cents of the funds of the institution. Lane, it is said, admits the accusation, and he accompanied the police to a house which he had hired in West Nineteenth street, where between \$5,000 and \$6,000 worth of jewelry had been purchased with the stolen money and bestowed upon a young woman with whom he sustained close relations, was recovered.

A private stable of the prisoner in Lexington avenue, near Twentieth street, also yielded up several thousand dollars' worth of the abstracted funds in the form of four valuable horses, a variety of stylish carriages and sleighs, and expensive harness. With these appliances, Mr. Lane asserted that he experienced no difficulty in beguiling his leisure or in using the money. He is a married man, but childless, and lived at his father's house in Fourteenth street. Justice Osborne committed him to the Tombs to await an examination on the charge. The fraud has been committed in such a manner that the father of the criminal, who is the cashier of the bank, will be the greatest loser by it. His father is now an old man, years of age, 30 of which have been in connection with the bank, of unblemished reputation, and remarkable for the vigilant care with which he always guarded the interests of the institution with which he was connected.

REPAIRING FRANKLIN'S TOMB.—A correspondent of the Mobile Advertiser says:

By the way, while in Philadelphia, our party made a pilgrimage to the venerable tomb of Benjamin Franklin. It is situated in one of the corners in the lower part of the city. A high brick wall encloses the cemetery; but at the corner in which the grave of Franklin is situated, a portion of the wall has been removed, and replaced by an iron fence—through which the spectator can look in upon the grave of the illustrious dead. A broad, plain marble slab bears this simple inscription:

Benjamin Franklin.

While we were present, a party of workmen, under the supervision of the friends of the deceased, had taken up the slab, and were repairing the dilapidated walls of the tomb.

FROM THE STAGE TO THE PULPIT.—The Nashville Advocate says: "At the Nashville Preaching Meeting, 'Weeks ago, the meeting following Dr. Parsons' dedicatory sermon and services,

